

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	Case No. 23-32486
ARNOLD JAMES-SENS OWEN	§	
TANYA RENEE OWEN	§	
Debtors	§	Chapter 13
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	§	

**OBJECTION FILED BY ADONIS FINANCIAL, LLC dba ADONIS AUTO GROUP
TO CONFIRMATION OF UNIFORM PLAN AND
MOTION FOR VALUATION OF COLLATERAL AND DETERMINATION OF
ADEQUATE PROTECTION PAYMENTS**

ADONIS FINANCIAL, LLC dba ADONIS AUTO GROUP, (hereinafter "Creditor"), a secured creditor in the above captioned and numbered cause, complaining of ARNOLD JAMES-SENS OWEN and TANYA RENEE OWEN, (hereinafter "Debtor(s)"), files its Objection to Confirmation of the Uniform Plan as proposed by the Debtor(s) and files this Motion for Valuation of Collateral for Adequate Protection, and in support thereof would show the Court as follows:

Procedural

1. This is a core proceeding per 28 U.S.C. §§ 1334 and 542; a voluntary petition was filed under Chapter 13 of the Bankruptcy Code by Debtor(s) on July 3, 2023, staying actions as specified by 11 U.S.C. § 362. The Bankruptcy Abuse Prevention and Consumer Reform Act of 2005, Pub. L. 109-8, 119 Stat. 23 (2005) is applicable to this matter.

Facts

2. Creditor's collateral, a 2009 Chevrolet Suburban, VIN: 1GNFK26329R245905, is a "motor vehicle" as defined by 49 U.S.C. § 30102(a)(6). Creditor's payoff is \$25,201.22.

Argument: Objection to Confirmation

3. Creditor objects to the Debtor(s) published Uniform Plan and the Schedules A/B and Schedule D regarding the value of the vehicle. Debtor(s) plan provides Creditor's treatment as the principal amount of \$25,201.22 with a valuation of \$9,850.00 to be reimbursed over 49 months at 9.25% interest with adequate protection payments based on the valuation of \$9,850.00 and a monthly payment of only \$123.13 and varying post-confirmation payments over 49 months. Creditor seeks denial of confirmation of said plan because of its valuation, inadequate set and equal periodic payments, and length of payout. According to the JD Power valuation of the vehicle, JD Power does not have a valuation of this vehicle but this model vehicle with similar mileage has been offered for sale in the Houston area for \$24,928.00.

4. The plan proposes periodic payments post-confirmation varying from \$123.13 a month to \$620.92 a month. Creditor(s) contract provided for weekly payments of \$170.00 or \$736.00 a month. The plan proposed to deny sufficient adequate protection payments to Creditor for the first four months based on debtor's valuation of the vehicle. The vehicle is already 14 years old and will depreciate more rapidly than term for payment. In review of the debtors schedules, debtors list excessive expenses on Schedule J to lower the disposable income. Debtors schedule J reflect an expense of \$600.00 for transportation, \$500.00 for telephone, \$700 for vehicle insurance and a direct payments on the RV camper of \$482.32, Aarons rental of \$200.00 and a storage shed for \$219.00. Debtors have three vehicles on the debtors insurance policy but only list two vehicles on the

schedules. Debtors plan payment should be increased in order to provide for reasonable adequate protection and term for payment to Creditor. Creditor argues that the proposed periodic payments pre and post confirmation do not provide set and equal payments as required by 11 U.S.C. § 1325(a)(5)(B) and do not provide reasonable payments for the deprecation in value of the vehicle. Lastly, Debtor has failed to provide proof of full coverage insurance to the Creditor with \$500.00 deductibles for comprehensive and collision coverage to insure Creditor's interest in the vehicle.

Relief: Denial of Plan

5. Due to the foregoing, cause exists for denial of the proposed plan.

WHEREFORE, Creditor prays that upon hearing that it have:

1. Sustain its objection to the Debtor'(s) Plan and deny confirmation of the Plan and the collateral be given a fair and reasonable value, term and fixed and equal payments and prays that the Creditor be granted such other and further relief to which it may be entitled.

DATED THIS 4 day of August, 2023.

Respectfully submitted,

JAMESON AND DUNAGAN, P.C.

By: /s/ GAIL E. STOCK
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing has been forwarded by either electronic means or via depositing same with the United States Postal Service via first class mail, postage prepaid, on this 4 day of August, 2023, as follows:

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/s/ GAIL E. STOCK
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